

OCT 14 1983

ALEXANDER L. STEVAS,
CLERK

83 - 635

No. 83-1183

IN THE SUPREME COURT OF THE UNITED STATES

January Term, 1984

No. _____.

BOYD VEENKANT, per se,
Petitioner,

- VS -


JANNETT L. COOK (Substitution
of Parties by GCR Rule 202.2
to LYDIA (COOK) DeWOLF), et al,
Respondents.

PETITION FOR A WRIT OF CERTIORARI
To the Supreme Court of the United States
* * Oral Argument Requested * *
from
U.S. Court of Appeals, Sixth Circuit.

BOYD VEENKANT, per se,
P.O. BOX 115
ALLEGAN, MI. 49010-0115
1 (616) 673-4400

JANET K. YARDING,
LOUIS J. CARUSO and
GEORGE H. WELLER, Assist. Atty. Gen.,
MICHAEL T. LYBCH,
HOWARD S. SIEGRIST, per se,
NOEL L. LIPPMAN, per se,

Of Counsel.



i
QUESTION PRESENDED

Were under 28 §1343. Civil Rights and elective franchise (a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42;

(2) To recover damages from any person who fails to prevent or aid in preventing any wrongs mentioned in section 1986 of Title 42 which he had knowledge were about to occur and power to prevent;

(3) To redress the deprivation, under color of any State law, statute,

ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights.

PROPERTY -The fifth amendment to the Federal Constitution provides, in part, that "no person shall be ** deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation".

A similar injunction is incorporated into the fourteenth amendment: "no State shall *** deprive any person of life,

liberty, or property, without due process of law".

(Due process is) ...A law which hears before it condemns; which proceeds upon inquiry, and renders judgment only after trial. (16 Am Jur 2d Sec. 546)

Michigan criminal code - "Theft"-
Sec. 3205.(1) "Theft" means the doing of either of the following acts with the intent to deprive the owner permanently of the property: (a) Knowingly to obtain or exert unauthorized control over the property of the owner. Theft in the second degree Sec. 3207. (1) A person commits the crime of theft in the second degree if he (Ms.) commits theft of property which exceeds \$1,000.00.
(2) Theft in the second degree is a Class D felony.

Michigan Criminal Code Section 435-
Judging from the response to an argument

IV.

raised by the defendant in a Michigan case that the "corporate veil" should protect him, the result would be expected to be different in Michigan. In People V. Johnson, 28 Mich. App. 10, 18, 183 N.W. 2d 813 (1970), the court said: "It is well established that corporate officers may be criminally liable for their own acts although performed in their official capacity as such officers."

Michigan Criminal Code "Tampering with physical evidence" Sec. 5045 (1) A person commits the crime of tampering with physical evidence if ~~he does either of~~ the following: (b) Knowingly makes, presents or offers any false physical evidence with intent that it be introduced in a pending or prospective official proceeding. (Yes it was.)

(2) "Physical evidence" includes any article, object, document, record or oth-

er thing of physical substance. (It was)
(3) Tampering with physical evidence is
a Class D felony. (C.L.1970,Sec.750.491)

Then under Sec. 5045. (a) Destroys,
mutilates, conceals, removes or alters
physical evidence with intent to impair
its verity or availability in a pending
or prospective official proceeding.

(2) "Physical evidence" includes any art
icle, object, document, record or other
thing of physical substance.

(3) Tampering with physical evidence is
a Class D felony. (yes this took place.)

Civil Rights Act-"Public Law 90-284
90th Congress, H.R. 2516 April 11, 1968
"§ 245. Federally protected activities.

"(c) Nothing in this section shall be
construed so as to deter any law enfor-
cement officer from lawfully carrying
out the duties of his office; and no
law enforcement officer shall be con-

VI

sidered to be in violation of this section for lawfully carrying out the duties of his office or lawfully enforcing ordinances and laws of the United States, , any of the several States, or any political subdivision of a State. For purposes of the preceding sentence, the term 'law enforcement officer' means any officer of the United States, a State, or political subdivision of a State, who is empowered by law to conduct investigations of, or make arrests because of, offenses against the United States, a State , or a political subdivision of a State.

CIVIL RIGHTS ACT- Public Law 88-352

88th Congress, H.R. 7152 July 2, 1964.

TITLE II- INJUNCTIVE RELIEF AGAINST

DISCRIMINATION IN PLACES OF PUBLIC

ACCOMMODATION. Covering Sec. 201; 202;

203; 204; 205; 206 and Sec. 207 District

courts, jurisdiction.

: VII :

In this Court case, Jannett L. Cook by theft, removed Boyd Veenkant's personal property from her deceased husbands house. Then Respondent Noel L. Lippman let this Petitioner's Court case go default and was disbarred in the meantime and did nothing about it, until this Petitioner filed his Complaint with the State Bar of Michigan. Then Respondent Lippman Conspired with Respondent Howard S. Siegrist and between them, they drafted knowingly false physical evidence with intent that it be introduced in this pending official proceeding and it was signed by Atty. Howard S. Siegrist and presented to the Court.

This Petitioner hired Atty. John Watt's to represent him and open the case up, so Respondent Donald Wm. Sargent in representing the Defendant, drafted knowingly a false physical evidence

with intent that it be introduced in the pending court case.

That on the date the Motion was called by Atty. Watt's, asking to open up this court case, Respondent Atty. Sargent made the same claim as he had filed with the Court and being false physical evidence. That Atty. Sargent had receipts marked paid in full covering the personal property removed from the Cook house, but never produced the receipts or would he produce the receipts he claimed to have. Further instructs this Court, that Atty. Donald Wm. Sargent never signed his name upon this document that he filed with the Court, claiming to have receipts covering the personal property in question.

Then Respondent District Court Judge Sherman P. Faunce, not only denied Atty. John Watt's to represent

IX
this Plaintiff, but dismissed the case.

That when this Petitioner ordered a copy of the transcript covering the motion, Judge Sherman P. Faunce had removed from the transcript, Atty. Donald Wm. Sargent's claim to the Court that he had marked paid in full receipts covering the personal property in question.

Then this Petitioner filed his case under a 'CIVIL RIGHTS ACT' with the United States District Court of Western District of Michigan, which they dismissed without even calling a hearing and denying this Petitioner "Due process of law", the same as District Court Judge, Sherman P. Faunce did. That as stated above, this Petitioner filed his Court complaint in U.S. District Court for the Western District of Michigan, under 28 § 1343 as is allowed to be done and did.

X

PARTIES TO THE PROCEEDING -

The parties to this proceeding is -
Petitioner, BOYD VEENKANT, per se, and
the Respondents are LYDIA COOK DeWOLF,
(Substitution of Parties by GCR Rule 202)
for her mother, JANNETT L. COOK; Atty.
DONALD WM. SARGENT; Atty. NOEL L. LIPP-
MAN; Atty. HOWARD S. SIEGRIST; District
Ct. Judge SHERMAN P. FAUNCE, Respondents.

XI
TABLE OF CONTENTS

Opinions & Orders Below-----	A,B,C.
Jurisdiction-----	4,5.
Question Presented--	i through to IX.
Table of Authorities & Texts--	XII,XIII.
Statutes Involved-----	5,6,7,8.
Statement of case-----	8 through to 34.
Reasons for Granting Certiorari-	35,36,37,38
Conclusion-----	38,39,40.

Appendices

A-Dis. Ct. Opinion,--A-42 Furnished
separately to large.

B -Dis. Court Order---A-42.

C- U.S. CT. of Appeals, For the Sixth
Circuit O R D E R--B-43,
B-44, B-45.

XII
TABLE OF AUTHORITIES

CASES

- e.g., Alderman V. People, 4 Mich. 414
(1857).
- Harmon V. Superior Ct of the State of
California, 307 F 2d 796, CA 9 (1962).
- Horvath V. National Mortgage Company, 238
Mich. 354, 360, 213 N.W. 202 (1927).
- Monell V. Department of Social Services
(1978) 436 US 658, 56 L Ed 2d 611, 98 S
Ct 2018, and etc.
- People v. Anderson, 7 Mich. App. 513, 152
N.W. 2d 40 (1967).
- People V. Arnold, 46 Mich. 268, 273, 9
N.W. 406 (1881).
- People V. Boyd, 174 Mich. 321, 140 N.W.
475 (1913).
- People V. Chapman, 62 Mich. 280, 28 N.W.
896 (1886).
- People V. Coleman, 350 Mich. 268, 86 N.W.
2d 281 (1957).
- E.g. People V. Fox, 25 Mich. 492 (1872).
- People V. Johnson, 28 Mich. App. 10, 18, 183
N.W. 2d 813 (1970).
- People V. Kimble, 60 Mich. App. 690, 223
N.W. 2d 26 (1975).
- People V. Long, 27 Mich. App. 385, 183
N.W. 2d 641 (1970).

XIII

Cases - 2nd page

People V. Marion, 29 Mich. 31 (1874).

People V. Rosen, 18 Mich. App. 457, 171
N.W. 2d 488 (1969).

People V. Titmus, 102 Mich. 318, 60 N.W.
693 (1894).

People V. Van Alstine, 57 Mich. 69, 23
N.W. 594 (1885).

TEXTS.

West Public Co., Mich. Criminal Code.
Hand book. - 17, 11, 14, 17, 19, 22, 28, 22, 23,
iiii, 26, 19.

Book by Andrew Melechinsky - 32, iii,

U.S. Supreme Court Reports, page 911 - 14,
i, ii, 4, 7, 17, 19, 24.

Federal Reporter, book No. 313 - 31, 32, 37.

Encyclopaedia Britannica Vol. 22 - ii, iii
4, 29, 30,

West Publishing Co. Fed. Rules - i, ii, IX,
4, 35,

Note book, Gov't printing office, Public
Law 90-284 - v, 5, 7, 29,

Note book, Gov't printing office, Public
Law 88-352 - VI, 5, 7,

IN THE SUPREME COURT OF THE UNITED STATES

JANUARY TERM, 1984.

No. _____

BOYD VEENKANT, per se,
Petitioner,

VS.

JANNETT L. COOK (Substitution of
Parties by GCR 202.2) For her mother
LEDIA (COOK) DeWOLF; Atty. DONALD WM. SA-
RGENT, Atty. NOEL L. LIPPMAN, Atty.
HOWARD S. SIEGRIST, Dis.Ct. Judge
SHERMAN P. FAUNCE,
Respondents.

PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF THE UNITED STATES
form

THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT.

The Petitioner, Boyd Veenkant, per
se, respectfully pray that a writ of
certiorari issue to review the order's

of the United States District Court, for the Western District of Michigan and of the United States Court of Appeals, Sixth Circuit intered in this proceeding on September 2, 1983.

ORDER BELOW.

This appeal has been referred to a panel of the Court pursuant to Rule 9(a), Rules of the Sixth Circuit. (Judges-LIVELY, MERRITT, and PEAK.) After examination of the record and briefs, this panel agrees unanimously that oral argument is not needed. Rule 34(a), Federal Rules of Appellate Procedure.

Plaintiff appeals the district court order entered February 7, 1983, dismissing his civil rights action. Having carefully examined the record and briefs, this Court concludes the district court did not err in disposition of this case. Accordingly, for the reasons

stated in district court opinion entered February 7, 1983 the order of the district court is hereby affirmed. Rule 9 (d)(2), Rules of the Sixth Circuit.

Based upon the record in this case and the briefs filed, we are convinced that this appeal is frivolous. This appeal amounts to little more than a continued abuse of process which raises no colorable legal or factual basis for the relief sought.

It is totally lacking in merit, framed with no relevant supporting law, conclusory in nature, and utter nonsense.

In fact this Court notes unfavorably the pattern of frivolous litigation perpetuated by plaintiff. See Veenkant V. Gurn, Case No. 82-1582 (6th Cir.1983); Veenkant v. Wesler, Case No. 82-1584 (6th Cir. 1983); Veenkant v. Burdick, Case No. 82-1583 (6th Cir. 1983);

Veenkant v. Corsiglia, Case No. 82-18-24 (6th Cir. 1983)(unpublished opinions)

Pursuant to Federal Rule of Appellate Procedure 38, we award double costs and just attorneys fees to appellees.

ENTERED BY ORDER OF THE COURT

JOHN P. HEHMAN
Clerk

JURISDICTION.

The ORDER of the U.S. Court of Appeals for the Sixth Circuit was entered on September 2, 1983, and this petition for certrtorari was filed within 90 days of that date.

This Court's jurisdiction is invoked under 28 U.S.C., Section 1343, Civil Rights Act's below stated.

§§: 1983, 1985(3), 1986, 1988 and under Title 18., U.S. Code, Title 28, Section 2072; Section 1254 (1), (2); The V. and XIV Amendments; The Constitut-

ional "Bill of Rights"; Public Law 90-284 90th Congress, H.R. 2516, "§ 245. Federally protected activities"(2)"(B),"(5)"(c); Public Law 88-352 88th Congress, H.R. 7152, Title II-Injunctive relief against discrimination in places of public accommodation. Sec. 201, 202, 203, 204, and 207.(a).

STATUTORY PROVISIONS INVOLVED

MICHIGAN statutes:

1- Larceny (C.L. 1970, Section 750.356), Knowingly and over \$1,000.00.

2-Tampering with physical evidence
Sec. 5045.(1) A person commits the crime of tampering with physical evidence if he does either of the following: (b) Knowingly makes, presents or offers any false physical evidence with intent that it be introduced in a pending or prospective official proceeding. (3)

Tampering with physical evidence is a Class D felony. (C.L. 1970, Section 750.491.)

3- Perjury, (C.L. 1970, Section 750.423.)

4- Tampering with physical evidence Sec. 5045. (1) A person commits the crime of tampering with physical evidence if he does either of the following: (a) Destroys, mutilates, conceals, removes or alters physical evidence with intent to impair its verity or availability in a pending or prospective official proceeding. (3) Tampering with physical evidence is a Class D felony. (C.L. 1970, Section 750.491 ("mutilating, removing, etc. public records"); C.L. 1970, Section 750.388 ("removing property seized by legal process")).

~~5- Liability based upon the behavior~~
of another: No defense. (C.L. 1970, Sect-

ion 767.39).

6- Forgery- (C.L.1970,Sec.750.248).

7- Obtaining a signature by deception.

(C.L.1970, Section 750.273) and (C.L.

1970, Section 750.274).

8- Criminal Conspiracy, (C.L.1970, Sec.
750.157)

FEDERAL STATUTES:

1- U.S. Code, Title 42, Section 1983.

2-U.S.Code,Title 42, Section 1985(3).

3-U.S. Code,Title 42,Section 1986.

4-U.S. Code,Title 42,Section 1988.

5-U.S.Criminal Code,Title 18,Sec.241.

6-U.S.Criminal Code,Title 18,Sec.242.

7- U.S. Code, Title 28, Section 2072.

8- Public Law 90-284 "§245 Federally
protected activities "(2)"(B), "(5)"(c).

9-Public Law 88-352 88th Congress, H
R. 7152, Title II Injunctive relief ag-
ainst discrimination in places of publ-
ic accommodation. Section's 201, 202,
203, 204, and 207.(a).

10- Supreme court's views as to mea-

ning of term "PERSON", as used in statutory or constitutional provision.

Meaning of "PERSON" 56 L Ed 895 ANN-otation.

11- 28 U.S.C., Section 1343, Civil Riights Act's.

STATEMENT OF THE CASE.

Petitioner ,Boyd Veenkant ran the Allegan Motel, at Allegan,Michigan and a Mr. Standley Cook came and rented a Motel room one fall for to hunt deer in Allegan County. All Mr. Cook had was a high power rifle and only a shot gun was allowed. So this Petitioner loaned Stanley Cook a shot gun so he could hunt deer. This is how I came to know Stanley and Jannett Cook, as Stanley Cook liked the scenery of Allegan County and brought his wife Jannett a number of times to show her the scenery.

Stanley Cook was a distributor for Madison Paints & Coatings in the

Detroit, Michigan area, under the business name of "AAA Mason Contractors".

Stanley Cook set up Veenkant & Co., which was owned and operated by Boyd Veenkant, as a dealer under Stanley Cook to sell "Madison Paints & Coatings". Then Stanley Cook asked Boyd Veenkant if he could sell some of his sporting goods on the side to make a little money and it was agreed that Stanley Cook could.

Finely Standley Cook stated, I cannot sell your sporting goods, unless you let me have some to show the people what they want. It was again arranged to let Stanley Cook take home whatever guns he thought he had sold, home with him. He kept coming back and wanted different guns and shells to go with the gun's he had and also took other sporting goods.

Petitioner states, Stanley Cook was

always given a pā¹⁰per covering the object or objects he took home with him, with the dealer cost price. This was not a billing machine purchase receipt, but only a sheet of paper listing the dealer cost. Stanley Cook got a gun to take back home and was issued this cost price and he left for home, but in a very few minutes Stanley Cook was back and stated, if I am in a car accident or get stopped by the police, I could be in trouble if I cannot show where I got this gun.

Stanley Cook stated, if you sign the paper and mark it paid, I'll never use this paper as a receipt of purchase and this will clear me in case I am stopped for some reason. So thereafter each time Stanley Cook took sporting goods, he asked this Petitioner to sign the cost sheet piece of paper and mark it paid, with the assurance each time that

this cost sheet of paper never would be claimed as a purchase receipt of the sporting goods gotten from Boyd Veenkant at Allegan, Michigan from his place of business. Stanley Cook's wife, Jannett was with Stanley a few times when he picked up Boyd Veenkant's merchandise and knew about the paper with the cost price on it and knew it was signed to protect them in transporting the merchandise from Allegan, Michigan, back to their home in Warren, Michigan and that these sheets of papers with the cost price on them and signed, could not be used as purchase receipts. MICHIGAN STATUTE- "Obtaining a signature by deception. (C.L. 1970, Section 750.273) and (C.L. 1970, Section 750.274). (E.g., Horvath v. National Mortgage Company, 238 Mich. 354, 360, 213 N.W. 202 (1927).

Petitioner further states, there was a quantity of his personal property in the Stanley Cook home, when Stanley Cook was shoot and died. Further states, Stanley Cook had a "WILL" and the "WILL" of Stanley Cook, would cover this Petitioners personal property and be returned or turned over to this Petitioner, but it was not.

That when this Petitioner went to the deceased Stanley Cook home to pick up his personal property, Jennett Cook was not there, but Jannett's sister, Mrs Geneviene Virgilio was at the deceased Stanley cook home and instructed the Veenkant's, your personal property is all right down in the basement as of right now, but I have not been given the permission to release it to you. Therefore, you'll have to come back to get it when Jannett is home.

When this Petitioner went back when Jannett Cook was home to pick up his personal property, Jannett Cook started to state, she didn't have any of Boyd Veenkant's personal property, when Mrs. Geneviene Virgilio interrupted and stated, it's all right down in the basement.

Then Jannett Cook stated, it all belonged to Stanley and it's going to stay in the basement.

Petitioner states, he got a Court Order for the police to go to the Jannett Cook home to recover this Petitioner's personal property and by this time, Jannett Cook had removed this Petitioner's personal property out of the Cook home so the police could not recover it.

This is covered by the Michigan Statute, "Theft in the second degree, Sec. 3207. (1) A person commits the crime of

theft in the second degree if he commits
theft of property which exceeds \$1,000.00

(2) Theft in the second degree is a Class
D felony. (C.L. 1970, Sec. 750.356)

Case in support-People v. Anderson, 7
Mich. App. 513, 152 N.W. 2d 40 (1967).

Federal Statute- §9. Civil Rights Act
of 1871. In Monell v. Department of
Social Services (1978) 436 US 658, 56 L
Ed 2d 611, 98 S Ct 2018, held that a ci-
ty, its mayor, its department of social
services, the department's commissioner
in his official capacity, the city's bo-
ard of education, and the board's chan-
cellor in his official capacity, were
all "persons" subject to liability under
42 USCS § 1983-which imposes civil liab-
ility on "every person" who, under color
of state law, deprives another of rights,
privileges, or immunities guaranteed by
the Constitution or laws- and thus were

not immune from being sued under §1983.

Further states, shortly thereafter Boyd Veenkant drafted a complaint, naming Jannett L. Cook as Defendant, and filed it with the 37th Judicial District Court, Warren, Michigan. Then hired Atty. Noel Lippman to represent Boyd Veenkant as Plaintiff. Atty. Lippman asked for two hundred dollars to take action and was advanced the two hundred dollars and Atty. Lippman took no action and let the case go default. Boyd Veenkant filed his complaint against Atty. Noel Lippman with the State Bar of Michigan and the State Bar of Michigan informed Boyd Veenkant that Atty. Noel Lippman had been disbarred from practicing law for five years.

Shortly thereafter, Boyd Veenkant gets a "AMENDED ANSWER TO COMPLAINT" from Jannett Cook's attorney, Atty. Donald

Wm. Sargent. Boyd Veenkant wrote to the 37th. Judicial District Court and asked for a copy of this Complaint that had been filed with this Court. Also Boyd Veenkant instructed the Court, no one had been hired or given permission to file such a complaint and to stop action upon this complaint at once. The court advanced a copy of the complaint to Boyd Veenkant and a letter stating, we will hold any further proceeding until we hear from you.

This Complaint forwarded to Boyd Veenkant by the 37th. District Court, had been signed by a Atty. Howard S. Siegrist, being Plaintiff's Attorney. This complaint was a fraudulent drafted complaint and knowingly made and filed it with the 37th. District Court, with intent that it be introduced in this pending Court case. For such a document to be draf-

•

ted, Atty. Lippman had to of conspired with Atty. Howard S. Siegrist.

Michigan staute-Criminal conspiracy
Sec.1015 (1) A person is guilty of criminal conspiracy if with intent that conduct constituting an offense be performed , he agrees with 1 or more persons to engage in or cause the performance of such conduct. (C.L. 1970, Section 750.157

a) Cases in support- (e.g., Alderman v. People, 4 Mich. 414 (1857); People v. Arnold, 46 Mich. 268, 273, 9 N.W. 406 (1881); see also, People v. Rosen, 18 Mich. App. 457, 171 N.W. 2d 488 (1969).)

Federal Statutes- U.S. Code, Title 42, Section's 1983; 1985(3) and 1986. In

"Meaning of " PERSON" 56 L Ed 2d 895

ANNOTATION, SUPREME COURT'S VIEWS AS TO MEANING OF TERM "PERSON",AS USED IN STATUTORY OR CONSTITUTIONAL PROVISION. In, Monell v. Department of Social Services

(1978) 436 US 658, 56 L Ed 2d 611, 98 S Ct 2018.

Also appling to Atty. Howard S. Siegrist's drafted and filed complaint with the 37th. District Court, is the following: Forgery in the second degree
Sec. 4006.(1) A person commits the crime of forgery in the second degree if, with intent to defraud, he falsely makes, completes or alters a written instrument which is or purports to be, or which is calculated to become or to represent if completed any of the following: (a) A instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, or status. (b) A public record, or an instrument filed in a public office or with a public employee. (It was.)

Michigan Statute- (C.L. 1970, Section

750.248). Cases in support- People v. Van Alstine, 57 Mich. 69, 23 N.W. 594 (1885). and e.g., People v. Long, 27 Mich. App. 385, 183 N.W. 2d 641 (1970).

TAMPERING WITH PHYSICAL EVIDENCE

Sec. 5045. (1) A person commits the crime of tampering with physical evidence if he either of the following: (b) Knowingly makes, presents or offers any false physical evidence with intent that it be introduced in a pending or prospective official proceeding. (An did.)

Mich. Statute- (C.L. 1970, Section 750.491). Ct. cases in support- People v. Coleman, 350 Mich. 268, 86 N.W. 2d 281 (1957); and People v. Boyd, 174 Mich. 321, 140 N.W. 475 (1913). -

Federal Statutes- U.S. Code, Title 42, Section 1983 and 1986. Case in support- Monell v. Department of Social (1978) 436 US 658, 56 L Ed 2d 611, 98

S Ct 2018.

This Petitioner then hired Atty. John A. Watts to represent him and Atty. John Watts filed with the 37th. Judicial District Court and with Jannett Cooks attorney, Donald Wm. Sargent, a "Motion to retain case appearing on "NO PROGRESS" calendar and notice of hearing with proof of service. File No. 13205.

Atty. Donald Wm. Sargent replied with a "ANSWER TOMOTIOM", sent a copy to the 37th. Judicial District Court and to Atty John Watts. This Petitioner refers to No. 2. and it states-"That the merchandise which is the subject matter of this suit was purchased by Stanley J.Kucznski on Sept. 1st,1961, Oct.1st.1962 and on Oct. 11, 1963." Petitioner first points out, Atty. Donald Wm. Sargent did not sign his name to this document. Second this

Petitioner still has his Company billing machine with the third copy's still within it, covering dates before Sept. 1st, 1961 and dates after Oct. 11, 1963 and there are no such dates listed in the Company billing machine as quoted in Atty. Donald Wm. Sargent's "ANSWER TO MOTION", that Stanley J. Kuczynski had purchased the merchandise which is the subject matter of this suit. This document and being Atty. Sargents "answer to motion" is covered by the following Mich. Statutes- Liability based upon the behavior of another: no defense Sec. 425. In any prosecution for an offense in which criminal liability is based upon the behavior of another person pursuant to this chapter, it is no defense that: (a) Such other person has not been prosecuted for or convicted of any offense based upon the behavior in question

or has been convicted of a different offense or degree of offense. (C.L. 1970, Section 767.39). Case in support- People v. Chapman, 62 Mich. 280, 28 N.W. 896 (1886).

Then- TAMPERING with physical evidence Sec. 5045. (1) A person commits the crime of tampering with physical evidence if he does either of the following:

(b) Knowingly makes, presents or offers any false physical evidence with intent that it be introduced in a pending or prospective official proceeding.

Mich. Statute- (C.L. 1970, Section 750.491) Cases in support- People v. Coleman, 350 Mich. 268, 86 N.W. 2d 281(1957) ; and People v. Boyd, 174 Mich. 321, 140 N.W. 475 (1913).

Then during this Motion called by this Petitioners attorney, John Watts, Atty. Donald Wm. Sargent made the very

same knowingly false perjury claim as stated in Atty. Sargents "answer to motion" under No. (2.), and that he had the receipts.

This is "PERJURY IN THE FIRST DEGREE Sec. 4905. (1) A person commits the crime of perjury in the first degree if in any official proceeding he makes a materially false statement, which he does not believe to be true, under an oath required or authorized by law.

Mich. Statute-(C.L.1970, Section 750.-423). The present case law is also in accord with Sections 4905-06 speaking of perjury as applying only to situations where the oath was authorized or required by law. (E.g. People v. Fox, 25 Mich. 492 (1872); and People v. Titmus, 102 Mich. 318, 60 N.W. 693 (1894).

FEDERAL STATUTES- U.S. Code, Title 42, 1983 and 1986. Case in support-

MONELL v. Department of Social Services (1978) 436 US 658, 56 L Ed 2d 611, 98 S Ct 2018. "MEANING OF "PERSON" 56 L Ed 2d 895 ANNOTAT SUPREME COURT'S VIEWS AS TO MEANING OF TERM "PERSON", AS USED IN STATUTORY OR CONSTITUTIONAL PROVISION.

Further states, when the 37th. Judicial District Court, called this Motion to be heard, asked by Petitioners Atty. John Watts, on or about April 13, 1978. Judge Sherman P. Faunce at the beginning of the hearing, substituted Jannett Cook's daughter, Lydia (Cook) DeWolf, which is covered by Mich. DCR 202.2 Substitution of Parties, for Defendant, Jannett L. Cook.

Further stated by Judge Sherman P. Faunce, "The only attorney's name I see here representing the Defendant is Howa-

rd Siegrist and to my knowledge he's still practicing law. REMARK- This was copied from the transcript purchased by this Petitioner from the 37th. Judicial District Court. QUESTION- Why? Yes why was the word DEFENDANT insurted to replace the word PLAINTIF, when Atty. Siegrist's complaint filed with the 37th. Judicial District Court, is drafted and states, Atty. Howard S. Siegrist is the Plaintiff's Attorney.

Judge Sherman P. Faunce has admitted he has Atty. Howard S. Siegrist's forged instrument in his possession and utters to be a fact. Petitioner applies the following Mich. Statute to this forged instrument in the possession of Judge Sherman P. Faunce. "CRIMINAL possession of a forged instrument in the second degree Sec. 4011. (1) A person commi-

ts the crime of criminal²⁶ possession of
a forged instrument in the second degree
if he possesses, utters, transfers, or
sells any instrument specified in Sect-
ion 4006 that is forged, with knowledge
that it is forged and with intent to
defraud. (2) Class D felony.

Mich. Statute- (C.L. 1970, Section 750.
248). Cases in support- People v. Mar-
ion, 29 Mich. 31 (1874). and People v.
Kimble, 60 Mich. App. 690, 223 N.W. 2d
26 (1975). NOTICE- The Court was given
a written notice by Petitioner, Boyd
Veenkant, that I never hired anyone or
gave anyone permission to file such a
complaint and to stop action at once up-
on this complaint, being the complaint
filed with the 37th. Judicial District
Court with Atty. Howard S. Siegrist,
claiming to be representing Plaintiff,
Boyd Veenkant.

Petitioner further states, he ordered a transcript of this "Motion" called to be heard on or about April 13, 1978 by Petitioners Atty. John Watts and asked for the claim made by Atty. Donald Wm. Sargent to the Court, that he had receipts marked paid in full, covering this merchandise and dates , as drafted in Atty. Sargent's 'answer' to motion' under No. 2 and filed with the 37th. Judicial District Court, but did not sign his name to the document.

The 37th. Judicial District Court in drafting up the transcript referred to above, removed Atty. Donald Sargent's claims about having receipts and etc., in the drafting of the transcript. When asked for a second time, the answer was, we sent you all the transcript.

This act is covered by- TAMPERING with physical evidence Sec. 5045.(1) A person

commits the crime of tampering with physical evidence if he either of the following: (a) Destroys, mutilates, conceals, removes or alters physical evidence with intent to impair its verity or availability in a pending or prospective official proceeding. (3) Class D felony. Mich. Statute- (C.L.1970, Section 750.4-91 ("mutilating, removing, etc. public records"); C.L. 1970, Section 750.388 ("removing property seized by legal process")). Cases in support-People v. Coleman, 350 Mich. 268, 86 N.W. 2d 281 (1957); People v. Boyd, 174 Mich. 321, 140 N.W. 475 (1913)). And the act of suppressing evidence has long been recognized as falling within this common law offense (see Perkins, Criminal Law, 499-500 (2nd ed., 1969)).

Further states, Judge Sherman P. Faun-

ce stated at this Motion hearing- "As far as I'm concerned, the case has got to die eventually and as far as I'm concerned it's dead. Motion denied.

Your Honor, Judge Faunce outright denied Boyd Veenkant to be represented by counsel, and also dismissed the Court case. Under Public Law 90-284, "§245. Federally protected activities and under "(2)"(B) and "(5)"(c), Judge Faunce being a 'law enforcement officer', denied Boyd Veenkant services and etc., administered by the State on Mich. Also refused to carry out the duties of his office and lawfully enforcing ordinances and laws of the State of Mich. and laws of the United States. In this case it covered personal property and covered under the fourteenth and fifth amendment to the Federal Constitution provides, "no

State shall*** deprive any person of life, liberty, or property" and "no person shall** deprived of life, liberty, or property, without due process of law", but that is just what the Courts and what Judge Sherman P. Faunce has done, denied Boyd Veenkant his personal property without due process of law and to protect a Defendant, who has admitted, as well as the Defendants sister , that Boyd Veenkants personal property was right down in the basement of the deceased Stanley Cook home at the time Boyd Veenkant went to pick it up. And the Defendants sister admitted it belonged to Boyd Veenkant. Therefore this Petitioner does not have to prove that the merchandise or personal property in question did belong to Boyd Veenkant and or that it was all right down in the deceased Stanley Cook home basement, when

Boyd Veenkant went to the deceased Stanley Cook home to pick up his personal property.

This Petitioner, Boyd Veenkant took his "CIVIL RIGHTS CASE" to the U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN", where the case and complaint was dismissed without a hearing.

Petitioner refers to 'FEDERAL REPORTER' book No. 313. 3.Civil Rights key 1. Statutory prerequisites to liability for depriving one of civil rights are an act by the defendant under color of State or local law & the deprivation of a right , privilege, or immunity secured by the Constitution & laws. 42 U.S.C.A. Sec. 19-83. 3. Federal Civil Procedure key 1742, Whether complaint states cause of action on which relief could be granted is question of law & just as issues of fact it must be decided after & not before Court

has assumed jurisdiction over controversy. 4. Federal Civil Procedure key 18-24. Court's dismissal of action under Civil Rights Act on its own motion & without giving plaintiff opportunity to be heard was plain error. Fed. Rules Civ. Proc. rule 12(h), 28 U.S.C.A.; 28 U.S.C.A. Sec. 1343; 42 U.S.C.A. Sec 1983, 1985(3) ; West's Ann. Cal. Code Civ. Proc. Sec. 1650-1690. Likewise the case was appealed to THE U.S. COURT OF APPEALS SIXTH CIRCUIT, where it was dismissed.

" A claim under the civil rights act expressly gives the District Court Jurisdiction, no matter how imperfectly the claim is stated." Harmon v. Superior Ct of the State of California, 307 F 2d 796, CA 9 (1962).

This Petitioner, Boyd Veenkant believe the time has come for this Court to enunciate a clear and definitive ruling

and or actions covering the "theft" of this Petitioner personal property and deny this Petitioner the right to "Due Process of Law", when the Defendant and her sister admit it was in the basement of the deceased Stanley Cook home, when this Petitioner, Boyd Veenkant went to pick it all up.

For these reasons, a writ of certiorari should issue to review the opinion and order of U.S. District Court for the Western District of Michigan and likewise by the U.S. COURT OF APPEALS, SIXTH CIRCUIT, covering personal property belonging to this Petitioner and admitted by the Defendant and her sister that it all was in the basement of the deceased Stanley Cook home, when this Petitioner went to pick it up after Stanley Cook's death and the defendant, Janett Cook, refused this Petitioner his

right to get it. Then³⁴ When this Petitioner got a Court Order for the Police to go to the Deceased Stanley Cook home to get this Petitioners personal property, theft had taken place and it was all removed from the deceased Stanley Cook home so the police couldn't recover this Petitioner, Boyd Veenkant's personal property and the Court's are denying this Plaintiff and or Petitioner his Constitutional Right to "Due process of Law".

Dated: Respectfully submitted,
Oct. 10, 1983. Boyd Veenkant, per se
Boyd Veenkant
P.O. BOX 115
Allegan, Michigan 49010-0115
(616) 673-4400

JANET K. YARLING
LOUIS J. CARUSO and
GEORGE H. WELLER, Assist. Atty. Gen.
MICHAEL T. LYNCH
HOWARD S. SIEGRIST, per se
NOEL L. LIPPMAN, per se

Of Counsel

REASONS FOR GRANTING THE WRIT

1. This Petitioners Civil Rights has been violated under 28 § 1343.

2. The fifth amendment to the Federal Constitution provides, in part, that "no person shall be ** deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation". A similar injunction is incorporated into the fourteenth amendment: "no State shall *** deprive any person of life, liberty, or property, without due process of law".

3. The Defendant's sister and being Mrs. Geneviene Virgilio instructed this Petitioner, that all his personal property was right down in the basement as of now, when this Petitioner went to the deceased Stanley Cook home to pick it up.

4. The defendant, Jannett Cook, also

admitted the merchandise in question was down in the basement of the deceased Stanley Cook home when this Petitioner went back to pick up his personal property, but refused to let this Petitioner have it. But by the time a Court Order was got and the police went to get this Petitioners personal property, it all had been removed from the home. "Theft."

5. The 37th. Judicial District Court removed, or etc., that part of the transcript were Atty. Donald Wm. Sargent under oath as a attorney, that he had marked paid receipts covering the merchandise in question at the Motion hearing were Atty. John Watts asked to represent this Plaintiff, when this Plaintiff ordered a copy of the transcript of that Motion hearing. And in the "answer to Motion", filed with the Court and with the same claim, Atty. Sargent did not

sign the document.

But Atty. Donald Wm. Sargent, representing Defendant, Mrs. Jannett Cook, is admitting Mrs. Jannett Cook has the merchandise in question. Also claims to have receipts for the merchandise in question, but not only refused to sign the document claim filed with the Court, but refuses to produce a single receipt.

6- This Petitioners, State of Michigan Statutes and Federal Statutes were violated.

7- All named Respondents for exception of the original Defendant, Jannett L. Cook and now Lydia (Cook) DeWolf, are "Law Enforcement Officers", and having power to prevent the commission of the same, refused to do..shall be liable.

8-All named Respondents fall within the "meaning of person" under 56 L Ed 2d

895 ANNOTATION, Supreme Court's views as to meaning of term "person" as used in Statutory or Constitutional provision.

Under the CIVIL RIGHTS ACT of 1871(42 - USCS §1983). Ct. case in support-Monell V. Department of Social Services (1978) 436 US 658, 56 L Ed 2d 611, 98 S Ct 2018.

CONCLUSION

This Petitioner believe the time has come for this Court to enunciate a clear and definitive ruling on the subject matter. Defendant, Mrs.Jannett Cook's sister, Mrs. Geneviene Virgilio instructed Boyd Veenkant when he went to pick up his personal property, that it was all right down in the basement now. Jannett Cook also admitted it was in the basement, but refused to give it to Boyd Veenkant. Then Jannett Cook committed the act of "Larceny"(C.L.1970, Section 750.356), when

Jannett Cook removed Boyd Veenkant's personal property from the deceased Stanley Cook home, so the law could not recover this personal property by a Court Order and refuse to state where it is.

Even Mrs. Jannett Cook's attorney, Donald Wm. Sargent, admit's Jannett Cook has this Boyd Veenkant's personal property, not only in a Court filed document, but under oath, but is claiming to have dated and paid receipts covering this property. But refused to sign the written Court filed document & the Court has removed from the Court transcript, the claim made under oath to the Court by Atty. Donald Wm. Sargent, that he has these dated and marked receipts. Atty. Sargent, also refuses to produce a single receipt, and the Court system has denied Boyd Veenkant "Due process of law", and his Constitutional Rights

, and his CIVIL RIGHTS ACT'S, to prove in Court all the State of Michigan Statutes and Federal Statutes, the named Respondents have committed to protect Mrs. Jannett L. Cook of the act of "Larceny" in the removing or having removed, Boyd Veenkant's personal property out of the deceased, Stanley Cook home and refusing to return Boyd Veenkant's personal property to him.

That up to now, the U.S. Court system is discriminating against Boyd Veenkant as a U.S. Citizen and his Constitutional Rights, acting in per se .

The end of justice has come and I would think it would be very appropriate at this time, that a Judgement as asked, plus all Costs and etc., be issued now;

Thank You:

Respectfully submitted
Boyd Veenkant, per se
Boyd Veenkant
P.O. BOX 115,

Allegan, Mi. 49010-0115 (616)673-4000

A

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN,

No. K 81-309

BOYD VEENKANT, per se

Plaintiff,

V.

JANNETT L. COOK (Kuczynski);
Atty. DONALD WM. SARGENT;
Atty. NOEL L. LIPPMAN;
Atty. HOWARD S. SIEGRIST;
Judge, SHERMAN P. FAUNCE,

Defendants.

Removed from a State Court by
28 §1343. The State Court denied
this Plaintiff to be represented
by counsel, and therefore denied
him due process of law, on or ab-
out April 13, 1978. Filed in U.S.
District Court on or about August
14, 1981 in ,per se.

Dist. Ct. No. 13205-Sherman P.
Faunce, Judge.

Submitted August 14, 1981-Opinion 2-7-83

Before RICHARD A. ENSLEN, U.S. Dis. Jud.

A- 41.

OPINION

NOTICE- Due to it's length it is being furnished separately.

Further states, this OPINION was handed down without a hearing. Which denies this Plaintiff- Appellant, due process of law.

ORDER

In accordance with the Opinion in the above entitled action, issued February 4th, 1983,

IT IS HEREBY ORDERED that Defendants' Motions to Dismiss are granted, and the Complaint is hereby dismissed with prejudice.

DATED: 2/4/83

Richard A. Enslen
RICHARD A. ENSLEN
US District Judge

3

B

No. 83-1183

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
SEPT. 2, 1983
JOHN P. HEHMAN,
CLERK
O R D E R

BOYD VEENKANT,

Plaintiff-Appellant,

V.

JANNETT L. COOK (Kuczynski),
Atty. DONALD Wm. SARGENT,
Atty. NOEL L. LIPPMAN,
Atty. HOWARD S. SIEGRIST,
Judge. SHERMAN P. FAUNCE,

Defendants-Appellees.

BEFORE: LIVELY and MERRITT, Circuit Judges;
and PECK, Senior Circuit Judge

This appeal has been referred to a panel of the Court pursuant to Rule 9(a), Rules of the Sixth Circuit. After examination of the record and briefs, this panel agrees unanimously that oral argu-

~~ment~~ is not needed. Rule 34(a), Federal Rules of Appellate Procedure.

Plaintiff appeals the district court order entered February 7, 1983, dismissing his civil rights action. Having carefully examined the record and briefs, this Court concludes the district court did not err in disposition of this case. Accordingly, for the reasons stated in the district court opinion entered February 7, 1983 the order of the district court is hereby affirmed. Rule 9(d)(2), Rules of the Sixth Circuit.

Based upon the record in this case and the briefs filed, we are convinced that this appeal is frivolous. This appeal amounts to little more than a continued abuse of process which raises no colorable legal or factual basis for the relief sought. It is totally lacking in
B -44.

5 B 83-1183
merit, framed with no relevant support-
ing law, conclusory in nature, and utter
nonsense. In fact this Court notes
unfavorably the pattern of frivolous li-
tigation perpetuated by plaintiff.

See Veenkant v. Gurn, Case No. 82-15-
82 (6th Cir. 1983); Veenkant v. Wesler,
Case No. 82-1584 (6th Cir. 1983); Veen-
kant V. Burdick, Case No. 82-1583 (6th
Cir.1983); Veenkant V. Corsiglia, Case
No. 82-1824 (6th Cir. 1983)(unpublished
ed opinion).

Pursuant to Federal Rule of Appell-
ate Procedure 38, we award double costs
and just attorneys fees to appellees.

ENTERED BY ORDER OF THE COURT

John P. Hehman/
Clerk